IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Bail Appl..No. 6921 of 2007()

CRIME NO.89/CR/2007 OF CRIME BRANCH CID, THIRUVANANTHAPURAM

PETITIONER/IST ACCUSED

NOUSHAD, S/O.SREEDHARAN, RESIDING AT
APSARA, KOZHIYODU LANE, PETTAH,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.S.BABU GIREESAN

RESPONDENTS: COMPLAINANT

DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH CID, THIRUVANANTHAPURAM
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6921 of 2007

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Dated this the 16th day of November, 2007

O R D E R

Application for regular bail. The petitioner faces allegations for offences punishable under Sections 498A, 304A and 306 I.P.C. The petitioner's wife had committed suicide on 17.8.07. Crime was initially registered under the caption 'unnatural death' under Section 174 Cr.P.C. Investigation is in progress. The petitioner was arrested on 1.11.2007 and he continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent of the allegations levelled against him. There is not a semblance of material to implicate the petitioner. There is nothing to show that the petitioner had in any way abetted the commission of suicide by his wife. In fact the suicide note clearly and eloquently declares that the petitioner had no role whatsoever in the commission of the suicide by his

wife. All allegations in the suicide note are directed against the second accused only. The mother of the deceased has raised unnecessary allegations against the petitioner and the police have obliged her by effecting arrest of the petitioner on 1.11.2007. The learned counsel prays that the petitioner may now be enlarged on bail.

3. The learned Prosecutor does not oppose the application now. Earlier, the suicide note was not available in the case diary. Subsequently the same has been produced. I have gone through the case diary. I shall not embark on any detailed discussion on merit about the acceptability of the allegations raised or the credibility of the data collected. Suffice it to say that on going through the case diary, in particular the suicide note, I am satisfied that the petitioner is entitled for grant of regular bail now, subject to appropriate terms and conditions.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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